



**CITY OF SUNNYVALE
REPORT
Planning Commission**

November 10, 2003

SUBJECT: **2002-0430 – Jerry Wang** [Applicant] **Su Tong** [Owner]:
Application for a 27,007 square foot site located at **970 West
El Camino real** in C-2 (Highway Business) Zoning District
(APN: 201-19-026);

Motion Use Permit to allow expanded hours of operation at an
existing educational facility.

REPORT IN BRIEF

**Existing Site
Conditions** Medical and General Office Complex with three
tenant spaces: one vacant retail space, one occupied
retail space and a professional school/student
medical clinic

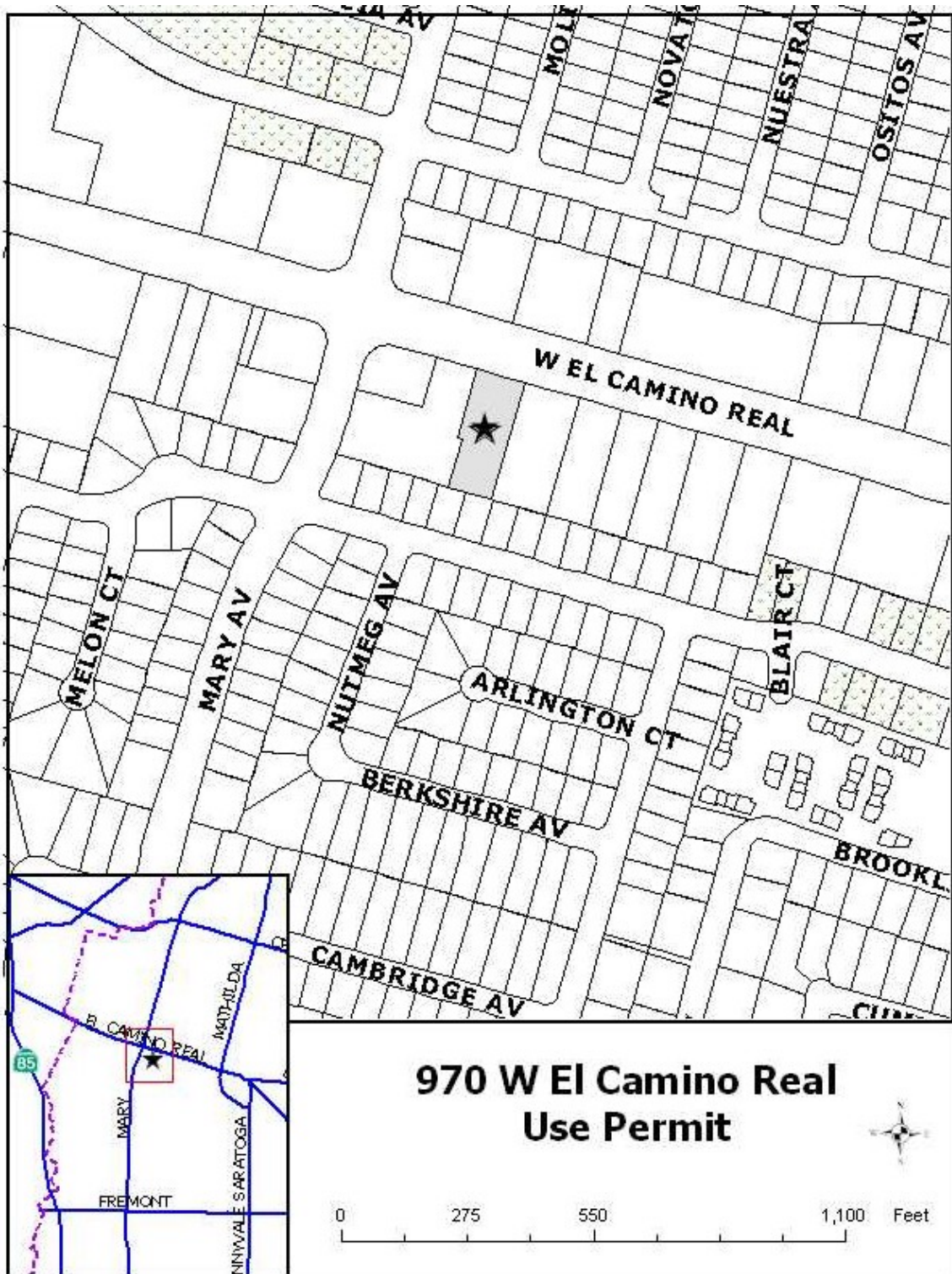
Surrounding Land Uses

North	Mixed Commercial Uses
South	Single Family Homes
East	Shopping Center
West	Shopping Center

Issues Parking

**Environmental
Status** A Class 1 Categorical Exemption relieves this project
from California Environmental Quality Act provisions
and City Guidelines.

**Staff
Recommendation** Approve with Conditions



PROJECT DATA TABLE

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
General Plan	Commercial General Business	Same	N/A
Zoning District	C-2	Same	N/A
Lot Size (s.f.)	27,007	Same	None
Gross Floor Area (s.f.)	8,523	Same	No limitation
Lot Coverage (%)	31.6%	Same	35% max.
Floor Area Ratio (FAR)	31.6%	Same	No limitation
Setbacks (facing prop.)			
• Front	84 ft.	Same	70 ft. min.
• Left Side	3 ft.	Same	0 min.
• Right Side	0 ft.	Same	0 min.
• Rear	63 ft.	Same	0 min.
★ Parking			
• Total No. of Spaces	32	32 on site; possible increase with proposed parking agreement	52 min.
• No. of Standards	31 (includes 4 spaces along rear wall)	Same	44 min.
• No. of Compacts / % of total	0	Same	6 max. / 10 % of total
• No. of Accessible	1	Same	2 min.

★ Starred and shaded items represent deviations from Zoning Code.

ANALYSIS

Background

The existing medical and general office building was constructed in 1954 as a medical office complex. In 1970, both a Use Permit for an addition to the building to allow a pharmacy and Variance for parking were granted. The Variance allowed the existing 28 parking spaces where 48 spaces were required.

The site is reported to have 32 parking spaces; the additional four spaces are informal spaces located along the rear wall of the property. Fire Prevention recently visited the site to assess fire access, and determined that the driveway aisle in the rear of the property is of sufficient width to allow parking along the rear wall. The additional four spaces were counted as available parking in the 1998 Use Permit approval for the educational facility.

In 1982, a Use Permit was approved to allow general office uses along with medical office uses.

In 1998, a Use Permit was approved to allow the subject educational facility by the Administrative Hearing Officer. With that approval, a condition was added related to the location of student parking. An appeal was subsequently filed by the adjacent commercial property owner at 994 West El Camino Real due to parking concerns. The Planning Commission denied the appeal adding the following conditions: 1) post signs for parking; 2) limit the number of students allowed at the facility at one time to 10, and 3) require a Planning Commission Hearing for a change in use or for a request to increase the maximum number of students allowed at the facility at any one time.

The same neighbor subsequently filed an appeal to the City Council. The City Council denied the appeal and upheld the decision of the Planning Commission to allow the use with the following modified conditions: 1) the total number of students and faculty may not exceed 20 on site at any one time, and 2) the doors on the west side of the building shall not have handles on the outside (to ensure that the doors be used for a fire exit only).

The applicant submitted a request in May 2002 to modify the Use Permit to allow daytime classes during the week and to increase the number of students. At that time, staff indicated that approval would be difficult with the existing parking constraints, and recommended to the applicant that a parking agreement be obtained. The applicant obtained a parking agreement with the Crosswalk Community Church located at 445 South Mary Avenue, which is

located two blocks north of the project site, requiring that students walk to the site after parking. Staff indicated that this may not be a workable solution because of the distance the students would have to walk. The application was then placed on hold by the applicant.

In May of 2003, the applicant requested that the application be reopened with the same proposal that had been provided the previous year. Staff indicated that the parking agreement with the church could not be supported by staff, and that a staff recommendation of support would require modifications to the proposed project to ensure sufficient parking. The applicant has modified the proposal (see Attachment 4), which still requests weekday daytime hours and an increase in the number of students, but cites the use of public transportation by many patients and students and proposes several controls for parking demand as follows:

1. Continue to encourage student use of public transportation by giving \$30 reimbursements to students who use it (currently in practice);
2. Occupy the entire building, thereby eliminating the need for shared parking with the other two tenant spaces;
3. Obtain parking agreements with other nearby properties (see parking agreements included in the proposal in Attachment 4);
4. Provide parking maps to students and employees, and enforce parking by doing inspections before classes.
5. Institute a student penalty program if parking rules are not followed.

Staff has considered the above proposals in the **Parking/Circulation** section of this report.

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
1998-0088	Appeal of a decision by the Planning Commission to allow a Use Permit for an educational facility	City Council/Appeal denied and approval of Use Permit upheld with additional conditions	7/21/98

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1998-0088	Appeal of a decision by the Administrative Hearing Officer to allow a Use Permit for an educational facility	Planning Commission/Appeal denied and approval of Use Permit upheld with additional conditions	6/8/98
1998-0088	Use Permit for an educational facility	Administrative Hearing/Approved with additional conditions	4/29/98
1982-0277	Use Permit for medical, dental and general office use	Administrative Hearing/Approved	4/6/82
1970-0183	Variance for parking	Approved	11/23/70
1970-0182	Construct building for pharmacy	Approved	12/15/70

Description of Proposed Project

The applicant is proposing expanded hours of operation and an increase in the number of students allowed at an existing educational facility. With this proposal, the applicant would occupy all three of the tenant spaces in the existing building. More classes, a student clinic, a library and a recreation room would be added to the activities that currently take place at the university. The maximum number of students proposed is 53 and the maximum number of employees proposed is 7. With this proposal, a maximum of 60 students and employees could occupy the facility at any one time.

The applicant obtained a Use Permit for the facility in 1988 which limited the number of students and faculty on site at any given time to 20 and limited the hours of operation to 6:30 PM – 10:30 PM on weekdays and 9:00 AM – 5:00 PM on weekends. The applicant wishes to expand the hours of operation to 9:00 AM – 10:00 PM on weekdays and 9:00 AM – 5:00 PM on weekends. A condition of the Use Permit also required a Planning Commission Hearing for a proposed increase in the number of students and expanded hours of operation.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include minor additions to existing facilities.

Use Permit

Use: The existing use is an educational facility that offers degree programs in Chinese Medicine. As noted above, the use was approved with a Use Permit in 1998. The applicant wishes to add daytime classes, a student practice clinic, a library and a recreation room to the school's current activities.

Site Layout: The project site is located between two shopping centers, one of which is located on the corner of West El Camino Real and Mary Avenue. Mixed commercial uses are located across the street and single family homes are located behind the site. There are 18 parking spaces in the front parking lot and 14 spaces in the rear.

Parking/Circulation: The main concern with the proposed project is parking. The site has been parked below code requirements since 1970 when a Variance was approved to allow the existing 28 spaces.

Per SMC Section 19.46, the parking ratio required for a school with grades over 12 is as follows: 1 space for every 3 fixed seats + 1 space per 21 sq. ft. of open seating area + 1 space per employee + 1 space per special purpose vehicle. The parking ratio for medical office uses is 1 space per 200 sq. ft. The parking ratio for general office uses is 1 space per 225 sq. ft. The parking ratio for recreational assembly uses is the same as that for the school use, but with an added ratio of 1 space per 400 sq. ft. of open floor area. When these parking ratios are applied, the parking calculation depends on the floor plan and the activities taking place in the facility. The parking calculation shown below is based on the proposed floor plan and associated list of activities provided in Attachment 3:

Activity	Sq. Ft.	Parking Ratio	Parking Requirement
Medical Offices	600	1/200 sq. ft.	3
Library & Research Area	1,846	1/400 sq. ft.	4.6
Classroom	370	1/21 sq. ft.	17.6
Lounge/Kitchen and Restrooms	883	1/400 sq. ft.	2.2
Administrative Offices	760	1/225 sq. ft.	3.4
Recreation Room	1,341	1/400 sq. ft.	3.4
Storage	1,000	1/400 sq. ft.	2.5
Student Clinic	1,600	1/200 sq. ft.	8
Maximum Number of Proposed Employees: 7			
Total Parking Requirement: 52			

With a parking requirement of 52 spaces, the proposed use would create a parking deficiency of 20 spaces.

The applicant has proposed several measures to reduce the demand on parking including signed parking agreements and incentives for students to use public transportation (see Attachment 5). Among the measures proposed, only the parking agreements provide a source of guaranteed parking. While staff believes that the other measures may reduce the parking demand, there is no guarantee and no available method to quantify the reduced demand. Because there must be a guarantee of sufficient parking, only the parking agreements have been included as additional parking spaces. The applicant has obtained parking agreements with the following properties:

Address	Location	Number of Spaces	Time Spaces are Available
445 S. Mary Ave. (Crosswalk Community Church)	2 blocks from project site	30	9 am – 6 pm
964 W. El Camino Real (John MacGowan property)	Adjacent property	58	unlimited access
939 W. El Camino Real (B.E.C. Engineering)	2 properties to the east across the street	10	unlimited access
625 S. Mary Ave. (Hoppy's Food Mart)	1 property to west across the street	23	unlimited access

Staff Comments on Proposed Parking Agreements:

Staff was not able to include the parking spaces offered by 445 S. Mary Avenue because the distance from the project site may discourage students from using the spaces and walking two blocks to the school.

Staff is concerned with the parking agreement obtained with 964 W. El Camino Real because the two parties are agreeing to share their respective parking lots at any time of the day. This means that patrons of 964 W. El Camino Real can park at 970 W. El Camino Real, which may worsen the parking situation, particularly between the hours of 11:00 AM– 1:00 PM when patrons are visiting the Subway fast-food restaurant at 964 W. El Camino Real.

All of the proposed parking agreements state that either party can discontinue the agreement at any time with written notification. If project approval is based on the parking spaces being offered in the parking agreements, staff is concerned that a parking deficiency may ensue on the project site if the parking agreements are subsequently modified or cancelled.

Of the proposed parking agreements, only 964 W. El Camino Real and 625 S. Mary Avenue have the potential to provide a workable parking solution because of their proximity to the project site. However, a parking analysis of each site must be completed and submitted with revised parking agreements showing that excess parking spaces are available on each site. Staff has recommended Condition of Approval #5, requiring the applicant to obtain revised parking agreements that provide a time commitment and a specific number of dedicated excess parking spaces to be recorded against the property.

If revised parking agreements cannot be obtained, staff is recommending Conditions of Approval #6 and #7, which limit the maximum number of students and employees on the site at any one time and require that only one class be held at a time with sufficient time between classes to prevent students from arriving and departing concurrently.

Staff arrived at the recommended maximum number of occupants as follows:

Occupants	Parking Requirement
7 Employees (as indicated in Attachment 3)	7 spaces max.
15 Students per class (as indicated in Attachment 3)	15 spaces max.
8 Clinic occupants	8 spaces max. (based on the parking calculation above)
5 Library/Research Area occupants	5 spaces max. (based on the parking calculation above)

This limits the maximum number of occupants at the facility at any one time to 35. Staff assumes that not all occupants will drive themselves, but will either carpool or use other available modes of transportation. With the recommended restrictions, staff believes the existing 32 spaces on the project site will be sufficient.

As additional assurance of a satisfactory parking arrangement, the Planning Commission may condition the project to operate for a limited time, such as two to three years, with staff-level review to determine if the parking arrangement is adequate.

Compliance with Development Standards

With the exception of the parking requirement, the site meets all applicable development standards.

Expected Impact on the Surroundings

With recommended restrictions in Conditions of Approval #4 and #5 and/or approved parking agreements, no negative impact on the surrounding properties is expected.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings based on the justifications for the Use Permit.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• Mailed to the property owners and tenants within 300 ft. of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

The applicant received five letters of support from residents on Blair Avenue and three letters of support nearby business owners. The letters are included in Attachment 5.

Alternatives

1. Approve the Use Permit with the Conditions of Approval shown in Attachment 2.
2. Approve the Use Permit with modified conditions.
3. Deny the Use Permit.

Recommendation

Alternative 1.

Prepared by:

Christine Cannizzo
Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

1. Findings
2. Conditions of Approval
3. Site Plan and Floor Plan with list of uses
4. Applicant Project and Parking Proposals
5. Letters of support from neighbors

Findings - Use Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

Land Use and Transportation Element:

Policy N1.14: Support the provision of a full spectrum of public and quasi-public services that are appropriately located in residential, commercial, and industrial neighborhoods and ensure that they have beneficial effects on the surrounding area.

The proposed project is appropriately located in a commercial zone and provides a valuable educational service to the community.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District.

With the recommended parking restrictions, no significant impact on surrounding properties is expected.

Conditions of Approval – Use Permit

In addition to complying with all applicable Federal, State and local rules and regulations, including the Sunnyvale Municipal Code the permittee expressly accepts and agrees to comply with the following conditions of approval for this permit.

1. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is approved prior to expiration date.
2. This Use Permit is valid only in accordance with the approved plans. Major modifications shall be treated as an amendment to the original approval, and shall be subject to approval at a public hearing. Minor modifications shall be approved by the Director of Community Development.
3. Reproduce the conditions of approval on plans submitted for building permits.
4. Provide two Class I bicycle racks and four Class II bicycle racks on the site.
5. Obtain revised parking agreements with the property owners at 964 West El Camino Real and 625 South Mary Avenue. The parking agreements must guarantee a specified number of excess parking spaces for a specified period of time, and must be recorded against the property. Modifications to any documented parking agreement shall be subject to approval at a public hearing.

Conditions # 6 and # 7 apply if the parking agreements as specified in Condition # 5 cannot be obtained:

6. No more than 35 students, employees and patients may occupy the building at any one time. Modifications to this restriction shall be treated as an amendment to the original approval, and shall be subject to approval at a public hearing.
7. Only one class may operate at a time, and there must be at least 15 minutes between classes to prevent concurrent arrival and departure of students on the site.